

FILED & ENTERED

OCT 27 2022

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY sumlin DEPUTY CLERK

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

Andrew Lloyd Barker,

Debtor(s)

Case No.: 2:22-bk-13688-NB

Adv. No.: 2:22-ap-01170-NB

Chapter: 13

**ORDER DISMISSING AND CLOSING
ADVERSARY PROCEEDING**

Andrew Lloyd Barker,

Plaintiff(s)

v.

Broker Solutions, Inc., dba New American
Funding; Los Angeles Sheriff's Department;
Earthscope Investments, Inc.,

Defendant(s)

This adversary proceeding concerns claims for declaratory and injunctive relief, quiet title, trover, wrongful foreclosure, breach of fiduciary duty and trespass. Adv. dkt. 1. Debtor's bankruptcy case has been dismissed with a 180-day refiling bar (see dkt. 30).

When a bankruptcy case is dismissed, the Bankruptcy Court should determine whether or not it retains jurisdiction over any pending adversary proceeding. *See In re*


1 *Carraher*, 971 F.2d 327, 328 (9th Cir. 1992) (“... where a federal district court dismisses
2 federal claims, the court must consider economy, convenience, fairness and comity in
3 deciding whether to retain jurisdiction over pendent state claims.”) (internal citations
4 omitted); *In re Casamont Investors, Ltd.*, 196 B.R. 517, 522-26 (9th Cir. BAP 1996)
5 (applying *Carraher* principles more broadly in bankruptcy matters).

6 This Court has considered the foregoing factors, and the other facts and
7 circumstances of this case. Of particular importance, Plaintiff/Debtor has not filed proof
8 establishing that any of the Defendants have been served with the Complaint and
9 Debtor asserts claims arising under nonbankruptcy law.

10 For the reasons stated herein, and good cause appearing, it is hereby
11 ORDERED that the adversary proceeding is DISMISSED and CLOSED.

12 ###

13
14
15
16
17
18
19
20
21
22
23
24 Date: October 27, 2022


Neil W. Bason
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I, the below-named deputy clerk of the United States Bankruptcy Court, certify that I placed a true and correct copy of the attached document in a sealed envelope for collection and mailing, no later than the next business day that is not a court-observed holiday, in the United States mail, first class, postage prepaid, and addressed as follows:

Plaintiff/Debtor

Andrew Lloyd Barker
16656 Calle Arbolada
Pacific Palisades, California 90272

☐ Service information continued on attached page

Date: 10/27/2022 Signature: /s/ Sharon Sumlin

Deputy Clerk [*printed name*]: Sharon Sumlin